# A-1885 (Extension Request)

Removal of one 20.0-inch diameter Red Maple tree located in the east (side) yard of the property, to accommodate a proposed addition.

Mr. & Mrs. Daniel Coughlan 20 West Lenox Street

Note: As with previous extension requests, the initial appeal materials are not reproduced in the interest of saving paper. They are available through the Village web site or upon request. Only materials related to the extension request are reproduced herein.

#### CHEVY CHASE VILLAGE BOARD OF MANAGERS JULY 9, 2012 MEETING

#### STAFF INFORMATION REPORT

TO:

**BOARD OF MANAGERS** 

FROM:

ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE:

7/5/2012

SUBJECT:

HEARING OF TREE REMOVAL APPEAL CASE NO. A-1885 (EXTENSION REQUEST)

MR. & MRS. DANIEL COUGHLAN, 20 WEST LENOX STREET,

TO REMOVE ONE 20.0-INCH RED MAPLE TREE LOCATED IN THE EAST (SIDE) YARD, TO

ACCOMMODATE A PROPOSED ADDITION.

#### Factual and Background Information

The Applicants were granted approval on April 11, 2011 to remove a 20.0-inch diameter Red Maple tree located in the east (side) yard of the property in order to accommodate a proposed addition. The Board's decision required removal of the tree (and subsequent reforestation) on or before April 11, 2012.



Figure 1: View of 20 West Lenox Street looking south, with subject Red Maple tree to the left (east) of the house, marked with pink ribbon.

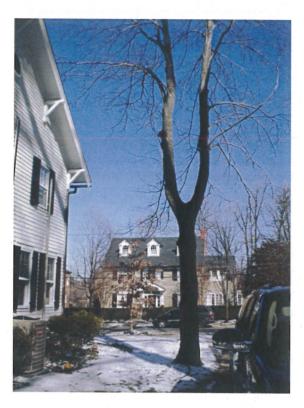


Figure 2: View of the subject Red Maple tree looking north.

According to the Board's signed Decision (see enclosed Decision), removal of the subject tree was contingent upon, among other items, the Applicants obtaining a boundary survey of the property and obtaining the applicable Historic Preservation Commission (HPC) approval and Montgomery County building permit.

The Applicants obtained the boundary survey prior to the expiration of the Board's imposed deadline; however, they did not obtain the Historic Area Work Permit and Montgomery County Building permit until June 5, 2012. On June 6, 2012 the applicants submitted a Village Building Permit Application for the proposed addition and Village staff subsequently advised the applicants that they would need to obtain an extension of the tree removal deadline from the Board of Managers.

Accordingly, the applicants request an extension of the removal and reforestation deadline imposed by the Board in Case A-1885.

Although Chapter 17 (Urban Forest) of the Village Code does not stipulate minimum findings for the Board's consideration of a Tree Removal extension, in the past the Board has considered the same criteria required within the Building Code (Chapter 8) for variance and special permit extensions, which requires "that there has been no material change in circumstance since the" original approval "was granted and, despite due diligence by the permitee, additional time is necessary to accomplish the approved construction."

To date there have been no letters received from abutting and confronting neighbors regarding the Applicants' Extension Request.

Fees: Tree Removal Appeal: \$250.00

#### **Precedents**

On July 28, 2005, Mr. & Mrs. Rob Fossi of 5600 Western Avenue were granted an extension until February 10, 2006 to complete reforestation as required by the Decision in case A-1394. On February 28, 2006, Mr. & Mrs. Kenneth Kaufman of 6311 Broad Branch Road were granted an extension until February 11, 2009 for the removal of a Southern Magnolia tree measuring thirteen and five tenths (13.5) inches in diameter to accommodate a proposed addition. On February 11, 2008 Mr. & Mrs. Kaufman were granted a second extension for removal of the same aforementioned tree, until February 11, 2009. The Applicants stated at that time that the extension was required "due to controversies involving the Montgomery County permitting process."

#### **Draft Motion**

I move to direct Staff to draft a decision **APPROVING/DENYING** the request for a time extension in case A-1885, based on the findings that ...

#### CHEVY CHASE VILLAGE NOTICE OF PUBLIC HEARING

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9<sup>th</sup> day of July, 2012 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

APPEAL NUMBER A-1885 (Extension Request)
MR. & MRS. DANIEL COUGHLAN
20 WEST LENOX STREET
CHEVY CHASE, MARYLAND 20815

The applicants seek an extension to a permit granted by the Board of Managers on Monday, April 11, 2011 to remove one Red Maple tree measuring 20.0 inches in diameter from the east (side) yard of their property to accommodate a proposed addition. As a condition of the approval, the Board required the applicants to remove the tree and to reforest with at least one (1) deciduous hardwood tree that must be at least two and one-half (2-½) inches caliper at the time of installation and that achieves a mature height of at least forty-five (45) feet. The deadline to remove the Red Maple tree and to install the reforestation tree was April 11, 2012. The Applicants have requested an extension of this deadline.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting property owners on the 28<sup>th</sup> day of June, 2012.

Chevy Chase Village Office 5906 Connecticut Avenue Chevy Chase, Maryland 20815 301-654-7300



#### MAILING LIST FOR APPEAL A-1885 EXTENSION REQUEST

MR. AND MRS. DANIEL COUGHLAN 20 WEST LENOX STREET CHEVY CHASE, MARYLAND 20815

Adjoining and confronting property owner	S
Mr. and Mrs. Peter Wellington	Ms. Margot Humphrey
Or Current Resident	Or Current Resident
18 West Lenox Street	25 West Kirke Street
Chevy Chase, MD 20815	Chevy Chase, MD 20815
Mr. and Mrs. John J. Ryan	Mr. and Mrs. Thomas S. Dann
Or Current Resident	Or Current Resident
33 West Lenox Street	27 West Kirke Street
Chevy Chase, MD 20815	Chevy Chase, MD 20815
Mr. Brian W. Smith	Mr. and Mrs. Peter D. Keisler
Ms. Donna J. Holverson	Or Current Resident
Or Current Resident	20 Magnolia Parkway
35 West Lenox Street	Chevy Chase, MD 20815
Chevy Chase, MD 20815	
Mr. and Mrs. Jerome H.L. Powell	
Or Current Resident	
37 West Lenox Street	
Chevy Chase, MD 20815	

I hereby certify that a public notice was mailed to the aforementioned property owners on the  $28^{th}$  day of June 2012.

**Ellen Sands** 

**Permitting and Code Enforcement Coordinator** 

**Chevy Chase Village** 

Mendands

5906 Connecticut Avenue

Chevy Chase, MD 20815



June 28, 2012

Mr. and Mrs. Daniel Coughlan 20 West Lenox Street Chevy Chase, MD 20815

Dear Mr. and Mrs. Coughlan:

Please note that your request for an extension of the deadline for your Case A-1885 is scheduled before the Board of Managers on Monday, July 9, 2012 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands Permitting and Code Enforcement Coordinator Chevy Chase Village

# **Chevy Chase Village**

# Statement of Appeal for Tree Removal Permit

Subject Property: 20 W. L	Lerox ST Chevy Chise, MD
Describe the Proposed Tree Removal:	end change in cerconstand
Applicant Name(s) ( List all property own	ners): Daniel & K.Risten Coughla
Daytime telephone: 202-497-962	
E-mail: DCoughan @TRit	ecrealcstate. Com
Address (if different from property address):	
. etasko bezen goronetza kronjeć brzgonih a	
For Village staff use:  Date this form received: 6-21-12	Tree Removal Permit Appeal No: A-1885 (eytehno
Application will not be accept Completed Chevy Chase Village State Denied Chevy Chase Village Tree Inspection Chevy Chase Village Tree Inspection Surveys, plats, landscaping plans/s	on Report from Village arborist specifications, or other accurate drawings showing of the property, as well as the location and dimensions of all tree(s) sought to be removed.
	Affidavit
nave signed below, that I have read and un representative will appear at the scheduled Manager, or the Manager's designee, the B Committee, to enter onto the subject prope	submit the foregoing appeal, that all owners of the property derstand all requirements and that I or an authorized public hearing in this matter. I hereby authorize the Village Board of Managers, and members of the Village Tree rty for the purposes of assessing the site in relation to this penalty of perjury, that all matters and facts set forth in the the best of my knowledge, information and belief

# Describe the basis for the appeal (attach additional pages as needed) Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties: See Review of Malication

Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:

Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:

Describe the reasons for wanting to remove or destroy the tree(s):

Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

See previous application

Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):

see previous applications

Describe any hardship that would resu	lt if the requested tree removal is	denied:
Describe the reasons why preserving the including uniqueness, rarity or species	he tree(s) is not desirable because specimen, of the tree(s):	of the age, size or outstanding qualities,
Cortingent on HPC	as a result of this appeal, the Cherestrictions as it deems necessary fadjoining properties and that wi	County Build permit
Appeal Fee: \$250.00  Fee Paid: 250.00	Checks Payable To:  Staff Signature: ///	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Date Paid:	Stan Signature: Ullm	Aundo

#### CASE NO. A-1885 Appeal of Daniel P. Coughlan and Kristen Coughlan (Hearing held April 11, 2011)

#### DECISION OF THE BOARD OF MANAGERS

#### **Summary of Case**

This proceeding is an appeal pursuant to Section 17-4 of the Chevy Chase Village Code. Daniel P. Coughlan and Kristen Coughlan (the "Applicants") seek permission to remove a 20.0-inch diameter Red Maple tree located in the east (side) yard of the property to accommodate a proposed addition. The Village Manager denied the application finding that none of the conditions described in Section 17-3 of the Urban Forest Ordinance apply. The property is known as part of Lot 11, in Block 38, in the "Chevy Chase, Section 2," subdivision, also known as 20 West Lenox Street, Chevy Chase, Maryland 20815 (the "Subject Property").

#### Applicable Law

This appeal is filed pursuant to the provisions of Section 17-4 which provide:

- (a) An applicant who is denied a permit by the Village Manager may appeal the Manager's decision to the Board of Managers in writing within ten (10) days of the Village Manager's denial of the application for a permit.
- (b) The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

#### **Procedural History**

The Applicants submitted a Statement of Appeal for Tree Removal Permit dated March 8, 2011. Notice of the hearing in this matter was posted at the Village Hall and on the Subject Property and was mailed to all abutting property owners on April 1, 2011. The notice

indicated that the Board of Managers would hold a public hearing in the Village Hall on April 11, 2011 at 7:30 p.m. to consider the Applicants' appeal. The hearing was held as scheduled.

#### Summary of Evidence

In support of the appeal, the Applicants submitted the following: (i) the aforementioned Statement of Appeal for Tree Removal Permit; (ii) a copy of the denied Tree Removal Permit Application; (iii) a location drawing depicting the location of the subject tree and the proposed addition; and (iv) architectural drawings showing the proposed addition. A tree inspection report prepared by the Village Arborist was submitted for the record. A Staff Report and two photographs of the Subject Property were submitted for the record by Village staff. Letters from Tree Committee Chair Robert Elliott, and members Ralph Stephens and Susie Eig, were entered into the record. A letter from Meredith and Peter Wellington of 18 West Lenox Street was submitted, detailing concerns about the need to protect a White Oak tree located in close proximity to the subject Red Maple tree.

The Applicants claim that removal of the subject tree would not adversely affect the public health, safety, or welfare, nor the reasonable use of adjoining properties because the tree has no exceptional qualities and a more desirable tree would be planted in a more appropriate location. The Applicants explain that the subject tree is located in close proximity to the driveway and the existing house. The Applicants are concerned that the tree's roots will soon push through the existing driveway. The Applicants argue that the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Village Code because the tree is not a remarkable specimen. They explain that it is in "good to fair" condition but has an abnormal branch configuration. The Applicants state the tree has a split trunk, leading to unusual branching. They assert that, although not an immediate threat, the tree has the potential to fall over time as a result of the divided trunk.

The Applicants explain that they want to remove the tree to accommodate the construction of an addition. They state that due to the odd shape of the corner lot, the limited area available in the rear yard, and the two applicable front setbacks, the desired addition cannot readily be constructed elsewhere on the property. The addition would be located on the east side of the existing house. The subject tree is located in the east side yard of the property, in close proximity to the existing house. According to the Applicants, the construction of the addition would impair the health of the tree.

At the hearing, Mr. Coughlan appeared and testified in support of the request. He explained that the Applicants wish to build an addition and the proposed location is the only reasonable location on the Subject Property. He stated that the construction would require the removal of the subject tree because it would be damaged during construction. Also, he stated that the Applicants are concerned that, due to its close proximity to the existing driveway, the tree's roots will soon protrude through the driveway surface. Mr. Coughlan explained that he understands there is concern among his neighbors about the 49.5-inch diameter White Oak tree straddling the property line with 18 West Lenox Street. He said the proposed addition was moved from its initial location in order to preserve the White Oak tree, and if necessary, the addition would be moved again if deemed necessary by the Village Arborist to protect the White Oak tree. Mr. Coughlan stated that the Applicants want to protect the White Oak tree and will work with the Village to insure its preservation when a building permit is sought for the project. He stated that the Applicants agree to reforest with at least one reforestation tree.

At the hearing, Mr. Elliott testified that he, and two other Committee members, have no objection to the request because the subject Red Maple tree is not a great specimen and it is located too close to the existing driveway and house. Also, he noted that taking the tree down would eliminate competition with the White Oak tree and other more desirable trees in the rear yard. In his letter, Mr. Elliott described the tree as "in early maturity" and "a little weird in appearance with a split trunk which perhaps 20 feet up has a U-shape leading into two equal upper-trunks." He stated that there is not much free space between the tree and the house.

Mr. Stephens notes in his letter that he does not object to the request, so long as a replacement tree is planted. Ms. Eig states in her letter that although the tree is of little distinction other than its size, she is very concerned about the request because it appears the proposed addition would harm the White Oak tree which she describes as a magnificent specimen.

Ms. Wellington appeared at the hearing and testified that although she does not object to the removal of the Red Maple tree, she is concerned that the proposed addition has not been located far enough from the White Oak tree. She stated that, as noted in the Tree Inspection Report, the Village Arborist recommends a tree-save area of 13 feet from the trunk of the White Oak. According to a survey obtained by Ms. Wellington, which she presented at the hearing, the addition would be located about only 11 feet from the White Oak. In response, Mr. Coughlan reiterated that the Applicants will work with the Village to insure the White Oak tree's preservation when a building permit is sought for the project and, if necessary, would move the addition farther from the White Oak.

No other testimony in support of or in opposition to the application was received.

#### **Findings of Fact**

The Board has considered the factors set forth in Section 17-6 of the Urban Forest Ordinance and makes the following findings.

#### Sec. 17-6(a) Criteria specified in Section 17-3.

Although there is evidence that the divided trunk of the tree may cause the tree to split and fall in the future, there is no evidence to support a conclusion that the subject tree currently poses a threat to persons or property or is dead, dying, or seriously diseased. According to the tree inspection report, the subject tree is healthy.

# Sec. 17-6(b) The reasons cited by the applicant for wanting to remove or destroy the tree.

The Applicants propose to remove the subject tree in order to construct an addition. There is limited space available on the corner lot to construct the proposed addition. As part of the proposed project, the Applicants would reforest with at least one reforestation tree. The Board finds that, based on the testimony and evidence submitted for the record, removal of the subject tree is necessary to accommodate the Applicants' proposed addition. Although the addition can be located farther from the White Oak it cannot be located farther from the Red Maple.

# Sec. 17-6(c) The reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the permit.

Three Village Tree Committee members have no objection to the request. Although finding the subject tree of little distinction, Ms. Eig, voiced concerns about the request because of the proposed addition's potential impact on a desirable White Oak tree. Similarly, Ms. Wellington testified as to her concerns about the White Oak tree. Mr. Coughlan assured the Board that the Applicants would work with the Village to preserve the White Oak tree, and redesign the addition if necessary. Based upon the testimony presented, the Board finds that removal of the tree is appropriate given the Applicants' proposed reforestation, the need to remove the tree to accommodate the addition, and the Applicants' intention to preserve the White Oak tree.



Sec. 17-6(d) Whether tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, and the extent to which there is no reasonable alternative.

As noted above, based on the evidence of record, the Board finds that removal of the subject tree is necessary to accommodate the proposed construction, which is permitted by the Village Code. Based on the tree's location, there is no reasonable alternative to removal of the tree.

#### Sec. 17-6(e) Whether the applicant proposes reforestation.

Pursuant to Village standards, a reforestation tree is a hardwood deciduous tree which would be at least two and one-half (2.5) inches in caliper at the time of installation, and of a species that achieves a mature height of at least forty-five (45) feet. The Applicants agreed to reforest with at least one such tree. The Board finds it appropriate to require at least one reforestation tree.

#### Sec. 17-6(f) Hardship to the applicant if a permit for the requested action is denied.

The Applicants propose to construct an addition. Requiring the Applicants to preserve the tree would deny the Applicants the ability to complete the proposed project, and would impose a hardship on the Applicants without any counterbalancing benefit to the public.

Sec. 17-6(g) The desirability of preserving a tree by reason of its age, size or outstanding qualities, including uniqueness, rarity or species specimen.

Although the subject tree is mature and large enough in circumference to be protected by the Village Urban Forest Ordinance, it does not have any special qualities such as uniqueness, rarity, or species specimen.

Sec. 17-6(h) Such other relevant matters as will promote fairness and justice in deciding the particular case.

The removal of the tree would allow the Applicants to construct the addition in a logical location on a corner lot with limited available space for additional construction. Taking all of the foregoing findings into consideration, with the reforestation agreed to by the Applicants, the Board finds that the removal of the subject tree would not materially impair the purposes of the Village Urban Forest Ordinance, and would promote fairness and justice.

#### Conclusions

Based upon the above findings, the Board concludes that the removal of the 20-inch diameter Red Maple tree located in the east (side) yard of the property would not adversely affect the public health, safety, or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of the Village Urban Forest Ordinance, provided that the Applicants comply with the conditions set forth in the following paragraph.

Accordingly, the request for a permit to remove the subject tree is GRANTED; provided, however, that:

1. before the Village Manager issues a tree removal permit for the subject tree, the Applicants must obtain (i) a valid building permit for the proposed addition in accordance with the plans submitted for the record, as revised to include a limit of disturbance line located not less than 13 feet from the trunk of the 49.5-inch diameter White Oak tree located on the east side property line or such distance as may be deemed appropriate by the Village Arborist to protect the 49.5-inch diameter White Oak tree; (ii) a boundary survey showing the distance between the closest point of the trunk of the 49.5-inch diameter White Oak tree and the nearest line of the area to be excavated or otherwise disturbed during

construction of the proposed addition; and (iii) a tree-save plan locating a protective fence along the edge of the non-disturbance area on the Applicants' property and also containing such additional measures as are deemed appropriate by the Village Arborist to protect the 49.5-inch diameter White Oak tree;

- 2. the Red Maple tree must be removed on or before April 11, 2012, or this permit shall become void;
- 3. the Applicants must reforest with at least one (1) hardwood deciduous tree, which must be at least two and one-half inches (2 ½") in caliper at the time of installation and that achieves a mature height of at least forty-five feet (45'); and
- 4. the installation of the reforestation tree shall be completed on or before April 11, 2012, and such tree shall be considered a reforestation tree subject to regulation under the Village Urban Forest Ordinance.

#### Resolution

The Chevy Chase Village Board of Managers hereby adopts the following Resolution:

BE IT RESOLVED by the Board of Managers of Chevy Chase Village that the Decision stated above be adopted as the decision required by Section 17-5(b) of the Chevy Chase Village Code, and the Village Manager be and is hereby authorized and directed to issue a permit for the removal of a 20-inch diameter Red Maple tree located in the east (side) yard of the property, upon the conditions, terms and restrictions set forth above.

The foregoing Decision and Resolution was adopted by the Chevy Chase Village Board of Managers, with the following members voting in favor: Patricia Baptiste, Gail S. Feldman, Lawrence C. Heilman, Peter T. Kilborn, Allison W. Shuren, David L. Winstead, and Peter M. Yeo.

I HEREBY CERTIFY that the foregoing Decision and Resolution were approved and adopted by the Chevy Chase Village Board of Managers on this 24 day of April 2011.

Peter M. Yeo, Secretary Board of Managers



## A-1885 Previous Materials

Removal of one 20.0-inch diameter Red Maple tree located in the east (side) yard of the property, to accommodate a proposed addition.

Mr. & Mrs. Daniel Coughlan 20 West Lenox Street

## A-1885

Tree Removal Appeal Removal of one 20.0-inch diameter Red Maple tree located in the east (side) yard of the property, to accommodate a proposed addition.

> Mr. & Mrs. Daniel Coughlan 20 West Lenox Street

## 20 West Lenox Street



Figure 1: View of 20 West Lenox Street with Red Maple to the left (east) of the house, marked with pink ribbon.



Figure 2: View of Red from the property looking north toward West Lenox Street..



#### CHEVY CHASE VILLAGE BOARD OF MANAGERS APRIL 11, 2011 MEETING

#### STAFF REPORT

TO:

**BOARD OF MANAGERS** 

FROM:

ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE:

4/6/2011

SUBJECT:

HEARING OF APPEAL CASE NO. A-1885, TREE REMOVAL APPEAL

MR. & MRS. DANIEL COUGHLAN, 20 WEST LENOX STREET,

TO REMOVE ONE 20.0-INCH RED MAPLE TREE LOCATED IN THE EAST (SIDE) YARD, TO

ACCOMMODATE A PROPOSED ADDITION.

#### Factual and Background Information

This house is located on the southeast corner of West Lenox Street at Magnolia Parkway.

The applicants request removal of the tree to accommodate a proposed two-story addition.

The applicants' architect had a Pre-Design Review Meeting with Village staff in October 2010 for a plan which concentrated more of the proposed addition on the Magnolia Parkway frontage. That proposed work would have required a variance from the Board due to an encroachment forward of the front (Magnolia Parkway) building restriction line. That proposed work violated the covenants for the property.

The applicants' architect returned in January of 2011 with a revised plan which was compliant with Village setback requirements.

The applicants' architect has had preliminary reviews with HPC which has recommended concentrating more of the mass of the proposed addition on the east (side) of the property. The drawings included in the application reflect the current modified plan.

The applicants' had a previous tree removal appeal granted at the July 2010 monthly Board meeting for a Beech tree located in the rear (south) yard. A provision of the approval was that the applicants reforest with two deciduous hardwood trees.

The applicants' have submitted an assessment of the subject tree by an independent arborist; the report is included in the application.

The applicants propose to reforest as requested by the Board.

The Tree Committee has received the appeal information. To date there have been no letters received regarding the proposed removal.

To date there have been no letters received from neighbors regarding the applicants' request.

#### **Draft Motion**

I make a motion to direct Counsel to draft a decision **APPROVING/DENYING** the tree removal appeal in case A-1885, based on the findings that ...

#### CHEVY CHASE VILLAGE NOTICE OF PUBLIC HEARING

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 11<sup>th</sup> day of April, 2011 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

APPEAL NUMBER A-1885
MR. & MRS. DANIEL COUGHLAN
20 WEST LENOX STREET
CHEVY CHASE, MARYLAND 20815

The applicants have filed an appeal pursuant to Section 17-4 (b) of the Chevy Chase Village Urban Forest Code to remove one 20.0-inch diameter Red Maple tree located in the east (side) to accommodate a proposed addition.

#### The Chevy Chase Village Code § 17-4 (b) states:

The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting property owners on the 1st day of April, 2011.

Chevy Chase Village Office 5906 Connecticut Avenue Chevy Chase, Maryland 20815 301-654-7300

#### MAILING LIST FOR APPEAL A-1885

MR. AND MRS. DANIEL COUGHLAN 20 WEST LENOX STREET CHEVY CHASE, MARYLAND 20815

Adjoining and confronting property owner	S
Mr. and Mrs. Peter Wellington	Ms. Margot Humphrey
Or Current Resident	Or Current Resident
18 West Lenox Street	25 West Kirke Street
Chevy Chase, MD 20815	Chevy Chase, MD 20815
Mr. and Mrs. John J. Ryan	Mr. and Mrs. Thomas S. Dann
Or Current Resident	Or Current Resident
33 West Lenox Street	27 West Kirke Street
Chevy Chase, MD 20815	Chevy Chase, MD 20815
Mr. Brian W. Smith	Mr. and Mrs. Peter D. Keisler
Ms. Donna J. Holverson	Or Current Resident
Or Current Resident	20 Magnolia Parkway
35 West Lenox Street	Chevy Chase, MD 20815
Chevy Chase, MD 20815	
Mr. and Mrs. Jerome H.L. Powell	
Or Current Resident	
37 West Lenox Street	
Chevy Chase, MD 20815	

I hereby certify that a public notice was mailed to the aforementioned property owners on the 1<sup>st</sup> day of April, 2011.

**Ellen Sands** 

Permitting and Code Enforcement Coordinator

**Chevy Chase Village** 

5906 Connecticut Avenue

Chevy Chase, MD 20815



March 31, 2011

Mr. and Mrs. Daniel Coughlan 20 West Lenox Street Chevy Chase, MD 20815

Dear Mr. and Mrs. Coughlan:

Please note that your appeal to remove one Red Maple tree located in the east (side) yard of your property is scheduled before the Board of Managers on Monday, April 11, 2011 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of your request.

Please note that because your property is located in the Chevy Chase Village Historic District, should the Board approve your request you will need to obtain a Historic Area Work Permit from the Historic Preservation Commission for the removal of the tree before the Village's Tree Removal Permit will be issued. Both permits must be obtained prior to the removal of the subject tree. Also, please be aware that as a condition of approval, the Chevy Chase Village Board of Managers routinely requires at least a one-for-one reforestation of a hardwood deciduous tree of a species that achieves a mature height of at least 45 feet and that must be a minimum of 2 1/2" caliper at the time of installation. This reforestation requirement can be accommodated where appropriate on the property.

For your convenience, enclosed please find copies of the Public Hearing Notices and mailing list. Please contact the Village office in advance if you will be unable to attend.

Sincerely.

Ellen Sands

Permitting and Code Enforcement Coordinator

Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE 5906 Connecticut Avenue Chevy Chase, Maryland 20815 Phone (301) 654-7300 Fax (301) 907-9721

ccv@montgomerycountymd.gov www.chevychasevillagemd.gov

SHANA R. DAVIS-COOK Village Manager

DAVID R. PODOLSKY

**BOARD OF MANAGERS** 

DAVID L. WINSTEAD Chair

PETER T. KILBORN Vice Chair

PETER M. YEO Secretary

ALLISON W. SHUREN

GAIL S. FELDMAN LAWRENCE C. HEILMAN PATRICIA S. BAPTISTE Board Member

### **Chevy Chase Village**

# **Tree Removal Permit Application**

Permit No. A-1885

All trees on private property with trunks that measure at least twenty-four (24) inches in circumference (or 7.7 inches in diameter) at four and one-half ( $4\frac{1}{2}$ ) feet above ground level require a Village permit to be removed.

Property Address: 20 WEST LENOX STREET, CHEVY CHASE, MD 20815
Resident: DANIEL & KRISTEN COUGHLAN
Telephone: 240-744-4802 E-mail: dcoughlan @ tritecrealestate-com
Tree Removal Contractor (required):
Business Name: MEAD TREE & TURF CARE  Owner: BOB MEAD  Address: PO BOX 249  LISBON, MD 21765  Telephone: 301-854-5990 Fax: 410-489-9697  E-mail: (Mead@mead+ree.com)  MD Dept. of Natural Resources (DNR) License No. (required): 280
For Village office staff use:  Is this property located within the historic district? Yes No Staff initials Date application submitted to Village Office: 3 8 11

Village Code Chapter 17. Urban Forest §17-1 and 17-2. Permit Required.

"No person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

#### Village Code §17-3. Permit Standards.

The Village Manager may issue a permit *only* if at least one (1) of the following conditions applies:

- The tree is diseased beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- The tree is dead or dying, or is in danger of falling;
- The tree constitutes a hazard to the safety of persons;
- The tree constitutes a hazard and threatens injury to property;
- The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner.

An applicant who is denied a tree removal permit by the Village Manager may appeal that decision to the Board of Managers. Any appeal must be in writing and made within ten (10) days of the permit denial.

#### Filing Requirements

Copy of the findings and recommendations report from the Village Arborist.

and posted to be visible from the street.

- This completed application, including the tree contractor's name, phone number and MD-DNR License No.
- Payment of \$50.00 per tree filing fee for a Village Tree Removal Permit application, up to a max. of \$350.

By signing below, I understand that no work may be performed until the Village permit is issued

Applicant's Signature: Tree Removal Plans (including reforestation plan, if any) WE PROPOSE TO REMOVE ONE RED MAPLE TREE AS DESCRIBED IN THE ATTACHED ARBORIST REPORT. THE TREE IS LOCATED IN THE SIDE YARD OF THE PROPERTY AND ITS REMOVAL WOULD BE NECESSARY TO ACHIEVE THE PROPOSED ADDITION TO THE EXISTING HOUSE. AN APPROPRIATE TREE WILL BE REPLANTED AS LISTED ON THE REFORESTATION GUIDELINES. For Use By Village Approved with the following conditions: Manager or Use By Village Denied for the following reasons: Manage MAR 18 REC'D Chevy Chase Village Manager Filing Fee: Checks Payable to: **Chevy Chase Village** \$50.00/tree x | trees = 5906 Connecticut Avenue Chevy Chase, MD 20815 (up to \$350 max. per application) **Damage Deposit** Staff Signature: Date: ☐ Waived by Village Manager. Total Fees + Deposit: Staff Signature: Date:

# **Chevy Chase Village**

# **Statement of Appeal for Tree Removal Permit**

Subject Property: 20 WEST LENOX ST., CHEVY CHASE, MD 20815
Briefly Describe the Proposed Tree Removal (provide additional detail on following pages): REMOVE ONE RED MAPLE TREE AS DESCRIBED IN THE ATTACHED ARBORIST REPORT. THE TREE IS LOCATED IN THE EAST SIDE YARD OF THE PROPERTY AND ITS REMOVAL WOULD BE NECESSARY TO ACHIEVE THE PROPOSED ADDITION TO THE EXISTING HOUSE.
Applicant Name(s) (List all property owners):  DANIEL & KRISTEN COUGHLAN
D : 111 014 711 1010
E-mail: dcoughlan@tritecrealestate.com
Address (if different from property address):
Number of the first from property address):  N/A
For Village staff use:  Date this form received: 31811 Tree Removal Permit Appeal No: A-1885
(Application will not be accepted or reviewed until the application is complete.)  Completed Chevy Chase Village Statement of Appeal for Tree Removal Permit (this form)  Denied Chevy Chase Village Tree Removal Permit Application  Chevy Chase Village Tree Inspection Report from Village Arborist  Surveys, plats, landscaping plans/specifications, or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc. and the tree(s) sought to be removed.  Appeal fee (See fee schedule in Chapter 6 of the Village Code).
Affidavit I hereby certify that I have the authority to submit the foregoing appeal, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, the Board of Managers, and members of the Village Tree Committee, to enter onto the subject property for the purposes of assessing the site in relation to this appeal. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing statement are true and correct to the best of my knowledge, information and belief.  Applicant's Signature:  Date: 3

Describe the basis for the appeal (attach additional pages as needed)

Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties:

THE REMOVAL OF THE RED MAPLE WOULD NOT AFFECT ADVERSELY ANY OF THE ADJOINING PROPERTIES AND WOULD PROVIDE AN OPPORTUNITY TO REPLANT AN APPROPRIATE TREE IN A MORE SUITABLE LOCATION FOR A TREE OF THIS SIZE.

Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:

THE TREE REMOVAL WOULD NOT HAVE ANY ADVERSE IMPACT ON PUBLIC HEALTH, SAFETY OR WELFARE, OR THE REASONABLE USE OF ADJOINING PROPERTIES.

Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:

THE TREE IS IN GOOD TO FAIR CONDITION. AS NOTED BY THE ARBORIST THE SPLIT BRANCHING HABIT IS UNUSUAL AND ALTHOUGH NOT AN IMMEDIATE THREAT HOWEVER THE MAIN CROTCH HAS POTENTIAL TO FAIL OVER TIME.

Describe the reasons for wanting to remove or destroy the tree(s):

WE REQUEST YOUR CONSIDERATION FOR APPROVAL TO REMOVE THE RED MAPLE IN ORDER TO BUILD AN ADDITION IN ONE OF THE FEW LOCATIONS THAT IS ALLOWED DUE TO ZONING CONSTRAINTS ON AN UNUSUALLY SHAPED LOT.

Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

THE SITE IS A CORNER LOT WITH AN ACUTE ANGLE WITH 2 FRONT YARDSETBACKS AND LIMITED OPPORTUNITY TO BUILD IN THE REAR YARD. A LOGICAL OPTION IS TO LOCATE A PORTION OF THE ADDITION IN THE SIDE YARD WHERE THE TREE IS LOCATED. THIS WOULD IMPAIR THE HEALTH OF THE TREE. SEE ATTACHED DRAWINGS FOR SITE PLAN AND PROPOSED ADDITION.

Statement of Appeal for Tree Removal Permit

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Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):

IF THE REQUEST FOR REMOVING THE RED MAPLE IS APPROVED WE WOULD SELECT AN APPROPRIATE REPLACEMENT TREE AS LISTED ON THE REFORESTATION GUIDELINES TO SATISFY THE REFORESTATION GOALS OF THE VILLAGE.

Describe any hardship that would result if the requested tree removal is denied:

DUE TO ZONING RESTRICTIONS THE LOTS BUILDABLE AREA IS LARGELY DIMINISHED. THE TREE IS UNFORTUNATELY IN THE ALLOWABLE BUILDABLE AREA. IF DENIED THE LOTS BUILDABLE AREA WOULD BE FURTHER REDUCED. ADDITIONALLY THE CLOSE PROXIMITY OF THE TREE TO THE HOUSE AND DRIVEWAY MAY OVER TIME END UP DAMAGING THE CONCRETE DRIVEWAY AND FOUNDATION OF ANY PROPOSED ADDITIONS AS PER THE ARBORIST'S STATEMENT. Describe the reasons why preserving the tree(s) is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the tree(s):

THE TREE IS MARGINAL IN TERMS OF SPECIES AND CONDITION AND AS NOTED BY THE ARBORIST - ALTHOUGH NOT AN IMMEDIATE THREAT, AS THE TREE GROWS THE MAIN CROTCH HAS THE POTENTIAL TO SPUT AND FAIL.

Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:

IN WHERE WE CAN BUILD.

In authorizing a Tree Removal Permit as a result of this appeal, the Chevy Chase Village Board of Managers may require such conditions, terms or restrictions as it deems necessary in order to protect the public, health, safety or welfare, the reasonable use of adjoining properties and that will substantially effectuate the purpose and intent of Chapter 17 of the Chevy Chase Village Code.

Appeal Fee: \$250.00

Checks Payable To:
Chevy Chase Village
5906 Connecticut Ave.
Chevy Chase, MD 20815

Fee Paid:

Staff Signature:
Date:

Date:

## **Chevy Chase Village**

# **Tree Inspection Request Form**

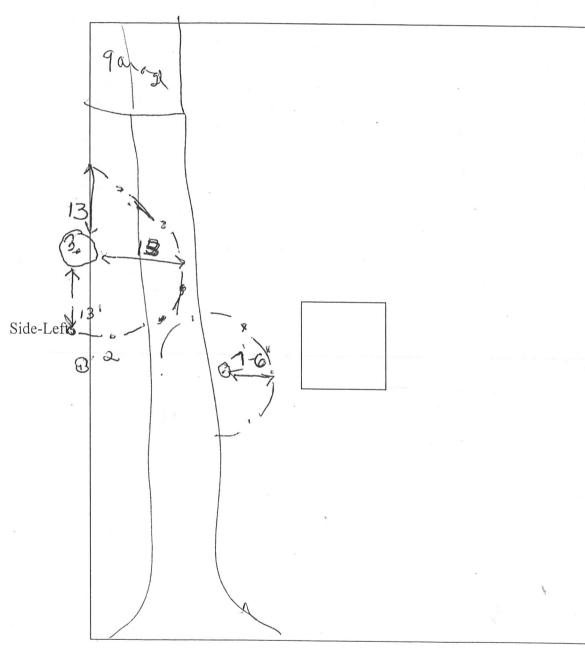
Property Address: 20 West Levey ST
Date this form submitted to Village office: / /
Resident Name: Conoglans Phone: E-mail:
This request initiated by: Village office staff. Resident/property owner
Inspect tree(s)¹ requested for removal are any conditions in CCV Code Sec. 17-3(a) met? [\$50/tree fee] Inspect trees¹ on property to determine if a Tree Protection Plan (TPP) is needed for proposed project².  Pursuant to a Village Bldg Permit application², prepare TPP for trees¹ on property [\$250 fee]  Verify that a TPP has been implemented for Village Building Permit #  Follow up on an existing TPP is it OK to remove TPP?  Village right-of-way/park  Other:  Show location of tree(s) on a plat or site plan (or on diagram on reverse, but only if plat unavailable).  Attach full description of proposed project.
Sections below must be completed by Village Arborist:
Tree #1: Private Property
Tree #2: Private Property    Village right-of-way    Location: Rear    Front    Side-I    Side-R
Tree #3:   Private Property   Village right-of-way  Location:   Rear   Side-L   Side-R   DBH*=   Assessment:   Tag#:   n/a: no tag.
(For more trees, please check here and attach pages: # of extra trees; # of extra pages)
Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?
Removal Approved Denied *Is permit required? (i.e, is trunk circumf. $\geq 24$ "?) Y N Tree #1
Arborist Signature Date 2-23-11
Chevy Chase Village Tree Inspection Request Form

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Diagram for Tree Inspection
(use this diagram ONLY if a plat or site survey is unavailable)

nstructions for Arborist (or) Notes from Arborist:

#### Rear of house



Side-Right

Street



March 10, 2011

Mr. Matthew W Fiehn, AIA, LEED AP BARNES VANZE ARCHITECTS, INC. 1000 Potomac Street NW Suite L-2 Washington, D.C. 20007

Dear Matthew.

This letter will detail my inspection of a red maple (*Acer rubrum*) located between the driveway and house at 20 West Lenox Street, Chevy Chase, MD. This is the Coughlan residence. The tree measured 19.5" of diameter at breast height (dbh) and is in good to fair condition.

I understand that the proposed addition on this house will come close to this tree, and that you are concerned as to how best to accommodate it in the construction plans. Unfortunately, it is my professional opinion that due to the width, and shallow nature of the root plate, trying to accommodate this tree into your plans will prove futile. There is no way that it would survive the use of a continuous footing so close to the base, and even if you employ a pier footing system, the need for a grade beam that would be set just below grade will severe such a large portion of the structural roots that the tree will become unstable and will suffer significantly in terms of its health.

On the positive side, this tree is marginal in terms of species and condition. Therefore, it really is better to simply remove it and plant better shade trees on this property. The split branching habit is unusual, and although it is not an immediate threat, the main crotch could fail as these two leaders get larger. There are also much better locations for growing large trees in the backyard where there are no structural conflicts and the rooting area is ideal. This tree is hemmed in by both the home and driveway, and as such, will end up damaging the concrete driveway and possibly the foundation of the new addition if it were kept in place.

Thank you for the opportunity to visit this site and provide these observations and recommendations. Please contact me with any other questions you may have.

Respectfully submitted,

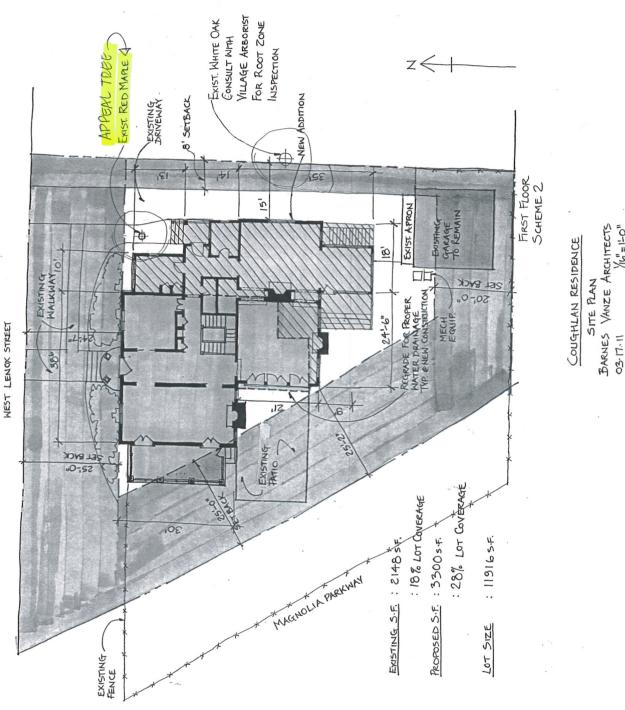
Keith C. Pitchford

ISA Certified Arborist, MA-0178

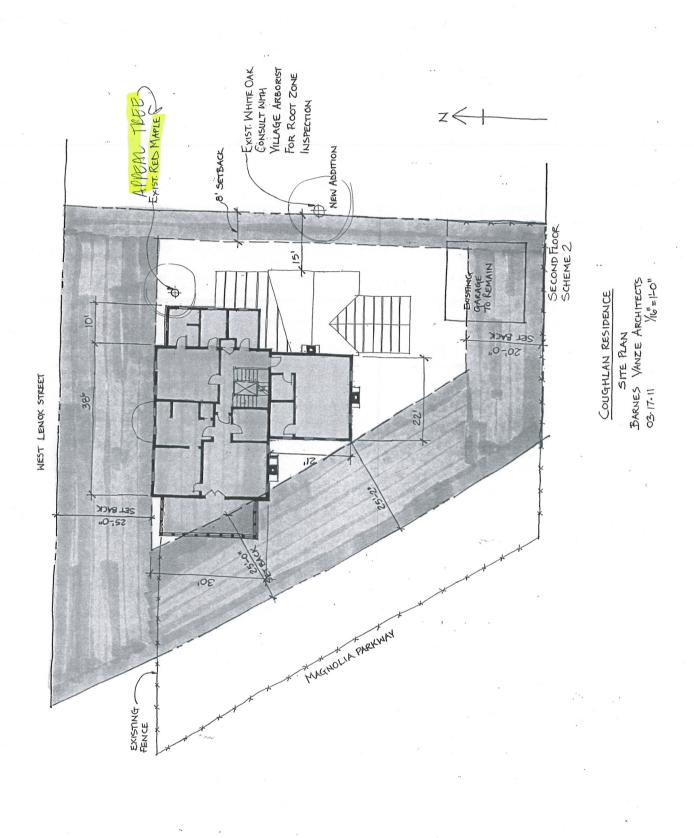
ISA Certified Tree Risk Assessor, #922

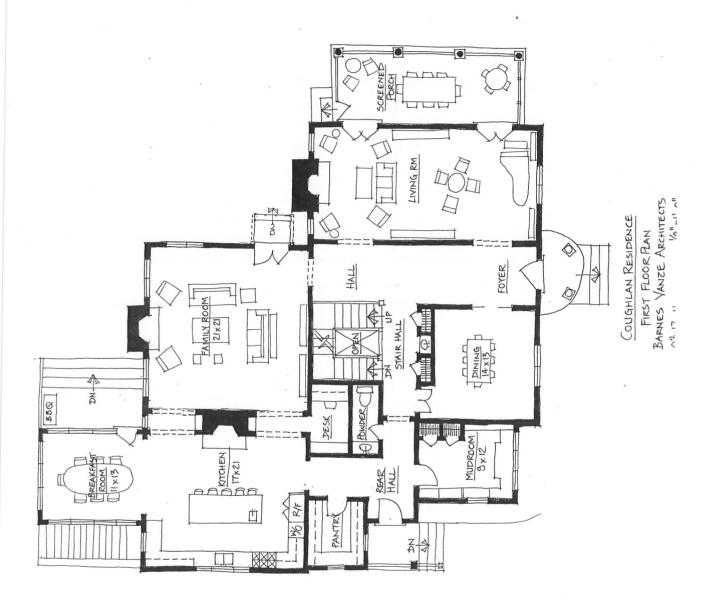
MD Licensed Forester, #675

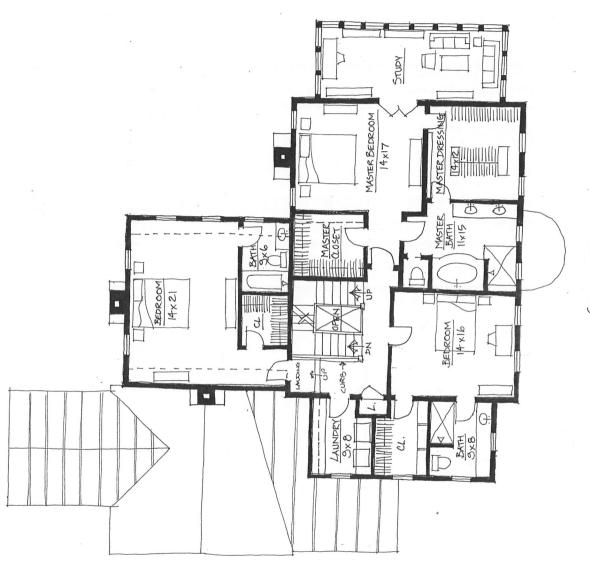
MD Tree Expert #589



10-11=191/ 







COUGHLAN RESIDENCE
SECOND FLOOR RAN
BARNES VANZE ARCHITECTS
03.17.11

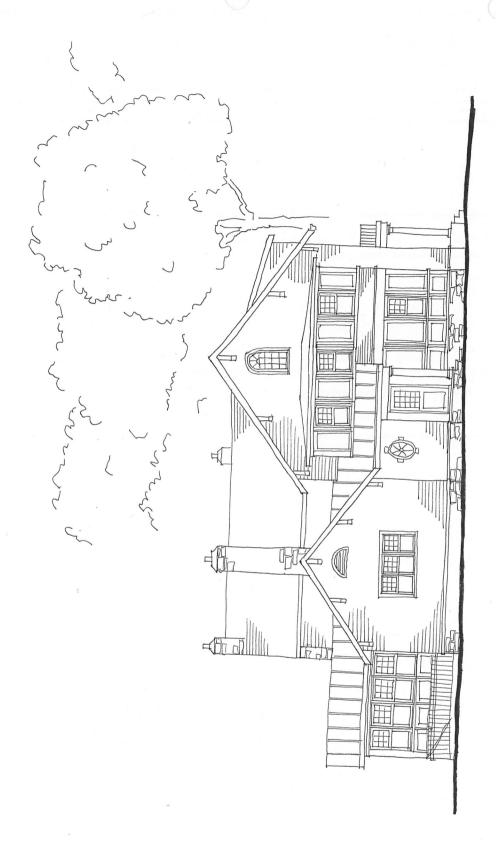


COUGHLAN RESIDENCE

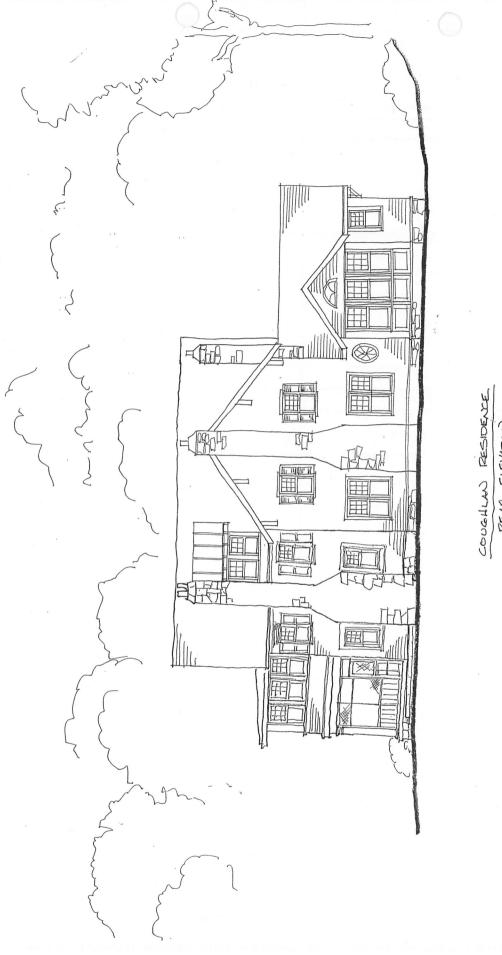
FRONT ELENAMON

BARNSES VANZE ARCHITECTS

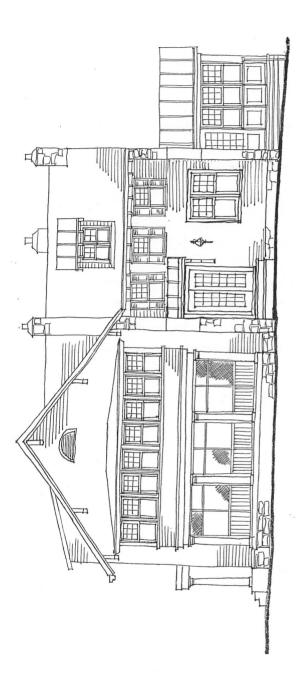
03.17.11 /8" = 1" C"



COUGHLAN RESIDENCE
DAVEMAY ELEVATION
BARNES VANZE ARCHITECTS
03.17.11



COUGHLAN RESIDENCE
REAR FLEWATION
BARNES VANZE ARCHITECTS
03.17.11
//8": 1"0"



COUGHLAN RESIDENCE
SIDE ELEVATION
BARNES VANZE ARCHITECTS
03.17.11